P. 7 113-93

G. R. S. IX-5]

Previous references.

dc 174-92

1892

(L.R.)

File No. 149-9

Serial Nos. 1-5

Later references.

p. 19

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-5

In ~~Part~~ B for March 1896

SUBJECT.

Appeal of Lakkmaiah, son of Krishnappa, Amildar District, regarding the Mandagiri Bailahalli and Atta Kallu

Returned

Approved

5/ 1/

GOVERNMENT OF MYSORE.

Appeal Roll of 95-96.

Appellant—
Lakshmaiya

Respondent—
Lakshmaiah, alias
Shamanna.

Dispute regarding the Mamool of Bailekalle and Kaikinamankalle Fields in the Kasaba Taluk.

List of English papers.

(1) to (12). Papers relating to the Miscellaneous appeal as per list attached.

(13) Decree relating to the Misc: appeal

(14) Copy of Judgment (Original in Sub-

(15) Appeal petition

(Please see the Inclusive serial No.)

The Deputy Comm'r rein that the
suit is barred is not correct.
The last holder Sri Kenayya's
son Lakshmayya it is his
death which causes the
vacancy and it is only from
that time that the P.C. (Appt.) was
enabled to claim it as an
heir entitled to succeed the
deceased Lakshmayya -
His period is within
twelve years. It is immaterial
whether the P.C.'s father
his grandfather died at
duties or not. What this
Article rein of the Act
does not help the P.C. (Appt.)
Lakshmayya Article is
the nearer heir of the deceased
and he has been recognised
as the heir - Moreover there
is the fact that all the villagers
had become vested in the
Revenue Inam and it was
in the division in which way

Upheld with the deceased
hallucinations a ~~verdict~~ that
the caller got the message
in a trance. The effect of
the decision appealed against
is that the message go back
to the deceased's family and
it is his mind on which
has been operated on when
formulated for the said father.
The decision appears to be
correct & this appeal will
be dismissed. The R.C. appeal
& name will however be
upheld as a bigger
20th July/56 Wild.

O.H.

LR 149-95-1

4 A.S. 57 of 95-96.

1895

No. 157 (159)

Name of Petitioner, Lakshmiah, son of Venkatappa

Village, (15)

Taluk,

District, Hassan

Date of Arzi,

Date of Receipt, 27-11-95

Date of Disposal, 2-4-96

No. of Enclosure, 1.

ABSTRACT.

Appealing against the Hassan Deputy Commissioner regarding his claim to a Shanbhog

Bln 30/11

Certified true Stamp Copy Despatch

5-12-95

5

1887

Receipt 96
Lakshmiah
27/11/95
AR.

Seal

10

GOVERNMENT OF MYSORE

20 RUPEES

MYSORE COURT FEE

1887 CR

27-11-95

(15)

(3)

12-3-96

The Government of Mysore

Criminal Appeal No. 1887-96.

Appellant Class II Accused Appellant

Lakkiniah son of Thimmaiah. Lakkiniah alias Channama, son of Thimmaiah

Appeal against conviction and sentence passed by the Assistant Commissioner of Magadi in Criminal Case No. 5 of 1895-96 under the following grounds.

1st The Lower Court is wrong in giving that the statements are against the petitioner's allegation as to the time when he petitioned to the Court Inspector.

2nd The Lower Court has not properly understood the Evidence

3rd That the Complainant has committed Perjury

4th The finding of the Lower Court that the Complainant always remained in the Police Force is wrong and is against the documentary evidence produced in the Case vide Exhibit B.

5th That the Complainant was duly paid by one [illegible] and that the statements were [illegible] case to the Lower Court, should [illegible] proved.

Jan 96

6th The Town Court was right in refusing to grant the Defendant's application as set forth in the 6th Plaintiff and the Defendant's application was in time and not made to the Plaintiff and the application was in all respects made by the Town Court right

8th The presumption was that the Town Court in the latter part of the Defendant's application was made to the Plaintiff

9th The Plaintiff signed the Bankruptcy Act and the Defendant's right was taken by the Defendant, when notice was given by the Defendant to the Plaintiff

10th The decision of the Town Court was right and the Defendant's application was made to the Plaintiff

For the foregoing reasons I am of opinion that the Honorable Government may be placed in order in the case the Appellant humbly submits that the decision of the Town Court may be set aside and the relief prayed in may be granted.

27/11/55

Pet 1122 Enc 2 Draft

LR 149-95-2

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition Registered No. 1887 dated 27-11-95 received at the Dewan's Office from Lakshmish son of Krishnappa of the Hassan Dt, appealing against the Deputy Comrs order dismissing his suit for the recovery of ~~regarding his claim~~ to the Shanbhog's office of Bailahalli and Kalkhanemanahalli in the Hassan Taluk,

is forwarded, together with its one enclosure, to the Deputy Commissioner of the Hassan District for submission of the entire proceedings connected with the case.

2. The petition with its enclosure should be returned.

C 25

By order,

Revenue
Chief Secretary.

BANGALORE,
12-12-1895
13

10/12/95

M.G.C.P.B.—25-4-95—1,000

CR 149-95-3

1122 8

Gen. Serial No. 30.]

REVENUE DEPARTMENT. Gb. No. 527 Cel. No. 457 15 JAN. 96 DEWAN'S OFFICE.

189

From The Deputy Commissioner Kolar District

To (15)
Rec'd.
The ~~Chief~~ Secretary to the Government
~~Dewan~~ of Mysore.

Dated 9th January 1896

Despatched 10/1

Received

Enclosures No. 28. file 1 flag

General No. 503 of 1895-96.
No. 15

In reply to Cir. C 1122 dy 12-12-95.

SUBJECT.

Submitting the entire records connected with the petition of Venkatappa of Kaiwara, Kolar Taluk, appealing against the dismissal order for disobeying the writ for removal of Shanbogue of Kaiwara

References (to be entered only in the Dewan's Office.)

To be posted for 17/1.

Pepr
11
15/1/96

read
17/1

Laid on the refers.
17/1

Post for the
Prepare the comptal
precis -
16/1/96

Refer to 2nd February -
Jas. M. Rottenbury
Reports Books submitted -
2nd Assistant
17/1

9

No. 593
5

Deputy Commissioner's Office,
Kaaran District.
Dated, Ujjur (Udipi) the 7th January 1896.

From,

A. Krishnaswamiyar Esqre
Deputy Commissioner,
Kaaran District.

To,

The Revenue Secretary
to the Government of Mysore
Bangalore.

Sir,

With reference to your official memo No. $\frac{P}{1122}$ dated 12th Ultimo, forwarding petition No. 1337 dated 27th November 1895, from Lakshmanaya, son of Krishnappa of Byndoor, in the Kaaran Taluk, appealing against the Deputy Commissioner's order dismissing his suit for the recovery of the Shanbogue of one of the two Pirkas named Byndoor and Kalathammana-halli, in the Kaaran Taluk, I have the honor to submit the entire proceedings connected with the case called for. —

2 ——— The petition with its enclo-

sure

24.

enclosure received with the memo
under reference is returned —

I have the honor to be,
Sir,
Your most obedient Servant;

Assistant
Deputy Commissioner
Kapaa District

LR 149-95-97

Proceedings of the Govt of Mysore

Read:-

(1) Petition of appeal No 1887/57 of 1895-96, preferred by Lakshmaiya s/o Krishnappa of Bailahalli, Hassan Taluk against the decree of the Deputy Commr of Hassan in Revenue Suit No 5 of 1893-94 on the file of his Court, dismissing Petitioners claim to the Shanbhogi of one share two Dittas in the possession of defendants viz Bailahalli Pirka and Kalatammanahalli Pirka.

(2) Proceedings of the case received with the Hassan Deputy Commr's No 293 dated 7th January 1896 and the papers relating to Petitions Nos 2 & 57 and 13 of 1893-94 from which before the Govt the facts of the case appear to be briefly these:-

The parties are related to each other as shown in the margin. Lakshmaiya alias Shanbhoga, who represents the elder branch of the family, was the Shanbhog of the villages which constitute the

Plaintiff
Lakshmaiya
son of Krishnappa

vs

Defendants
1 Lakshmaiya alias Shanbhoga
2 Krishnappa son of 1st deft

Lakshmaiya

Krishnappa	Lakshmaiya	Jannappa	Kenaiya
Lakshmaiya alias Shanbhoga 1st Deft (Respt)		Krishnappa	Lakshmaiya
Krishnappa 2d Deft		Lakshmaiya Plaintiff & Appellant	

(Respondent) and observed that if the present appellant Lakshmanya had any claim to a share in the Shanbhog of the two Pattas, he should establish it by a regular suit. The appellant accordingly filed this suit in 1894, but it was dismissed by the Deputy Commr on the ground that it was barred by the Law of Limitation. Hence this appeal.

Order No. 8287
P.P. 113-93

Evidence V. file. 9/10/12 - 3 - 36.

The Deputy Commr's view that the suit is barred is not correct. The last holder being Kasanya's son Lakshmanya it is his death which caused the vacancy, and it is only from that time that the Plaintiff (appellant) was enabled to claim it as an heir entitled to succeed the deceased Lakshmanya. This period is within twelve years. It is immaterial whether the Plaintiffs (appellants) father and his grandfather

~~and his~~ grandfather did the duties or not. But this view of the case does not help the Plaintiff (appellant) Lakshmanja. The Respondent is the nearer heir of the deceased Lakshmanja than the Plaintiff (appellant), and he has been recognised as the heir. Moreover there is the fact that all the villages had become vested in the Respondent's son, and it was in the division which was effected with the deceased Lakshmanja that the latter got the villages in dispute. The effect of the decision appealed against is that the villages go back to the Respondent's family, and it is his second son who has been appointed as ~~the~~ Gurusala for the old father. The decision appears to be correct, and this appeal will be dismissed. The Plaintiff-appellant's name will, however, be registered as a hakdar.

Draft
C 2 & 3

10/3/96
For Secretary

2/3

To The Deputy Commr.
Hassan
with records

the present Pavilandi and
Kalatanimanchali Lokka
till 1871, when he got the
Office registered in the name
of his son Kuichanappa
(2nd Defendant). In 1880 the
Shanbhogi of the village pos-
sessing the present Pavilandi
Lokka was, at the request
of Kuichanappa (2nd defendant)
transferred to Kaveriya
son Lakshmaiya. The
latter held the said Office
till 1890, when he died
without issue. Thereupon
the appellant (Plaintiff)
claimed it on the ground
that the 2nd Defendant had
given it to the deceased
and himself jointly.
The document relied on
by Plaintiff was not
produced, nor was its
execution admitted by
Kuichanappa (2nd defendant).
The Government ordered
that the Shanbhogi held by the
deceased Lakshmaiya,
son of Kaveriya, be registered
in the name of his nearest
heir, the present 1st Defendant

LR 149-95-5

12-3-96

1887

17

ಸೀ-ತಕ್ಕಂತೆ ಕಲ್ಪಿಸಲು ಮತ್ತು ಕಾಲಕಾಲಕ್ಕೆ
ಹಣವನ್ನು ಸಂಗ್ರಹಿಸಿಕೊಳ್ಳಲು ಅಧಿಕಾರವನ್ನು
ಕೊಡಲು ಅಧಿಕಾರಿಗಳಿಗೆ ಆಜ್ಞೆ
ಮಾಡಲು ಅಧಿಕಾರವನ್ನು ಕೊಡಲು
ಮತ್ತ